

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CHAMILIA, LLC,)	
)	
Plaintiff,)	Civil Action No.: 04-CV-06017 (KMK)
)	
v.)	
)	
PANDORA JEWELRY, LLC,)	
)	
Defendant.)	

**SECOND SUPPLEMENTAL DECLARATION OF JAMES G. GOGGIN IN SUPPORT
OF CHAMILIA, LLC'S MEMORANDUM IN OPPOSITION
TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to 28 U.S.C. § 1746, James G. Goggin declares as follows:

1. I am a partner with Verrill Dana, LLP, counsel to plaintiff Chamilia, LLC ("Chamilia") in the above-captioned action. I submit this second supplemental declaration in support of Chamilia's Memorandum in Opposition to Defendant's Motion for Summary Judgment, which was filed on August 15, 2005.

2. I submit this second supplemental affidavit to further explain my statement in my Declaration of August 15, 2005 and Supplemental Declaration of August 16, 2005 that Exhibit B attached to my first declaration consists of true and correct copies of selected pages from the web site of LOOKS, LLC as it existed on June 1, 2002. The operation of the website the Way Back Machine is described in the Affidavit of Molly Bragg, Office Manager of the Internet Archive, already on file with the Court.

3. As is described in my original declaration, I went to the website www.archive.org and located the homepage for Looks LLC. That homepage is printed out and attached as Page 1 of Exhibit B to my Declaration (also page 1 to Exhibit A of the Bragg affidavit). My original Declaration lists the url for that webpage and shows that it is dated June 1, 2002. By clicking on

the “Products” link on the LooksLLC homepage for that date, one is immediately directed to Page 2 to Exhibit B of my Declaration (also Page 2 to Exhibit A of the Bragg affidavit). My original Declaration lists the url for that webpage and shows that it is dated August 4, 2002.

4. One of the products listed on Page 2 to Exhibit B of my Declaration is “Custom Jewelry”, and by clicking on the option “PS Design”, one is immediately directed to Page 3 of Exhibit B to my Declaration (also Page 3 to Exhibit A of the Bragg affidavit). My original declaration lists the URL for that webpage and shows that it is dated August 4, 2002. That third page displays Pandora jewelry products.

5. I concluded from the fact that if you start from a homepage date June 1, 2002 and are immediately linked to a page showing products and then from that page to a page showing jewelry products that those are the links that would have existed as of June 1, 2002.

6. I declare under penalty of perjury that the foregoing is true and correct. Executed on August 22 in Portland, Maine.

/s/ James G. Goggin
James G. Goggin